

1 Evan S. Nadel (CA Bar No. 213230)
2 KILPATRICK TOWNSEND & STOCKTON LLP
3 *ENadel@kilpatricktownsend.com*
4 Two Embarcadero Center, Suite 1900
5 San Francisco, CA 94111
6 Telephone: (415) 576-0200; Facsimile: (415) 576-0300

7 Rita Weeks (CA Bar No. 232396)
8 *RWeeks@kilpatricktownsend.com*
9 Marc A. Lieberstein (*pro hac vice* application forthcoming)
10 *MLieberstein@kilpatricktownsend.com*
11 KILPATRICK TOWNSEND & STOCKTON LLP
12 1114 Avenue of the Americas
13 New York, NY 10036
14 Telephone: (212) 775-8700; Facsimile: (212) 504-9566

15 *Attorneys for Plaintiff, Chippendales USA, LLC*

16 **UNITED STATES DISTRICT COURT**
17 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

18 CHIPPENDALES USA, LLC,

19 Plaintiff,

20 v.

21 JESUS “JESSE” BANERJEE, dba
22 EASEBE ENTERPRISES INC.,

23 Defendant.

CASE NO. 2:23-cv-03672

COMPLAINT FOR:

**Declaratory Judgment as to
Plaintiff’s Ownership Rights in the
CHIPPENDALES Trademarks;**

**Federal Trademark Infringement (15
U.S.C. § 1114(1));**

**Trademark Counterfeiting (15 U.S.C.
§ 1114);**

**Federal Unfair Competition (15
U.S.C. § 1125(a));**

**Federal Trademark Dilution (15
U.S.C. § 1125(c));**

**California Trademark Dilution (Cal.
Bus. & Prof. Code § 14330); and**

**California Unfair Business Practices
(Cal. Bus. & Prof. Code § 17200)**

JURY TRIAL DEMANDED



1 Plaintiff Chippendales USA, LLC (“Plaintiff”) brings this action to stop
2 Defendant from continuing to infringe and misuse Plaintiff’s famous
3 CHIPPENDALES trademarks, and to put an end to Defendant’s illegal interference
4 with Plaintiff’s validly held trademark registrations at the U.S. Patent and
5 Trademark Office (“USPTO”). Despite Plaintiff’s bona fide acquisition of the
6 CHIPPENDALES business and CHIPPENDALES trademarks over 20 years ago,
7 Defendant has repeatedly filed unauthorized documents with the USPTO trying to
8 change ownership of Plaintiff’s registrations. He also repeatedly makes public
9 claims in court filings, filings with the USPTO, and elsewhere that the 1994 sale of
10 the CHIPPENDALES business and trademarks was fraudulent, and therefore the
11 subsequent sale of the business and CHIPPENDALES trademarks to Plaintiff in
12 2000 was also fraudulent, and thus Plaintiff is not the legitimate owner of the marks.
13 Defendant claims to be an heir of the CHIPPENDALES founder and alleges that he
14 was “robbed” of his “rightful inheritance” - the CHIPPENDALES brand,
15 “trademark,” and royalties – yet the CHIPPENDALES founder transferred his
16 interest in the CHIPPENDALES company and its trademarks to his wife before his
17 death, so they were not part of his estate when he passed away. Therefore, both the
18 1994 sale and the subsequent 2000 sale were valid. Defendant’s conduct casts a
19 serious cloud on Plaintiff’s interests in the world-famous CHIPPENDALES brand
20 that it has spent the last 23 years building. Plaintiff seeks a declaration under the
21 Declaratory Judgment Act to settle this actual controversy regarding ownership of
22 the CHIPPENDALES Trademarks, as well as an injunction to stop Defendant’s
23 willful infringement of the marks. Plaintiff alleges as follows:

24 **PARTIES, JURISDICTION, AND VENUE**

25 1. Plaintiff is a Delaware limited liability company that is comprised of
26 four members, each of whom is a natural person domiciled in New York state.
27 Accordingly, Plaintiff is a resident of New York.
28



1 2. Plaintiff owns and operates the world-famous CHIPPENDALES
2 entertainment brand that produces Broadway-style, burlesque shows worldwide.

3 3. Jesus “Jesse” Banerjee (“Defendant” or “Jesse”) is an individual who,
4 on information and belief, resides in Los Angeles, California.

5 4. At times, Defendant holds himself out as a representative of an inactive
6 business entity named “Easebe Enterprises, Inc.,” or does business under that name.

7 5. California Secretary of State records show that Somen “Steve”
8 Banerjee (“Steve”), filed articles of incorporation for a stock corporation named
9 “Easebe Enterprises, Inc.” (“Easebe”) on August 29, 1975, and Easebe is currently
10 inactive because it was suspended by the California Secretary of State on April 27,
11 2006, and suspended by the California Franchise Tax Board on January 2, 2007.

12 6. Accordingly, Easebe has lost its rights, powers, and privileges to do
13 business in California, and any business contracts it may enter are voidable and
14 unenforceable.

15 7. California Secretary of State records also show that Defendant filed
16 articles of incorporation for a separate stock corporation, also named Easebe
17 Enterprises, Inc. on January 1, 2017 (“Easebe 2”), and Easebe 2 is currently inactive
18 because it was suspended by the California Franchise Tax Board on December 3,
19 2018.

20 8. Accordingly, Easebe 2 has lost its rights, powers, and privileges to do
21 business in California, and any business contracts it may enter are voidable and
22 unenforceable.

23 9. Plaintiff’s claims arise under the federal Declaratory Judgment Act, 28
24 U.S.C. §§ 2201-2202, the federal trademark statute, 15 U.S.C. §§ 1051 *et seq.*, and
25 California statutory and common law.

26 10. This Court has jurisdiction over such claims pursuant to 28 U.S.C. §§
27 1338(a) and 1338(b) (trademark and unfair competition), 28 U.S.C. § 1331 (federal
28



1 question), and 15 U.S.C. § 1121 (Lanham Act). This Court has jurisdiction over the
2 state law claims under 28 U.S.C. § 1367 (supplemental jurisdiction). Further, the
3 Court has jurisdiction under 28 U.S.C. § 1332 because Plaintiff and Defendant are
4 citizens of different states and the matter in controversy exceeds \$75,000, exclusive
5 of interest and costs.

6 11. Personal jurisdiction over Defendant is vested and venue is proper
7 pursuant to 28 U.S.C. § 1391(b) because Defendant conducts business in this district
8 and actively solicits customers in this district. Upon information and belief,
9 Defendant has sold infringing products and distributed infringing advertising in this
10 district. Defendant owns and operates an interactive website that advertises
11 CHIPPENDALES-branded products in this district. Plaintiff further is informed and
12 believes that Defendant's business is conducted from his residence, which is within
13 this judicial district.

14 **FACTUAL ALLEGATIONS**

15 **I. History of the CHIPPENDALES Brand**

16 12. CHIPPENDALES is one of the world's most recognized brand names
17 providing entertainment for women, producing Broadway-style, burlesque shows
18 worldwide for the ultimate "girls' night out."

19 13. The CHIPPENDALES performance troupe was established in Los
20 Angeles in 1979 as the world's first all-male, Las Vegas-style dance act. From its
21 founding through today, CHIPPENDALES dancers have been immediately
22 recognizable by their "Cuffs and Collar" stage costume of a white shirt collar with
23 bow tie, and white wrist cuffs, worn on an otherwise bare torso.

24 14. Soon after CHIPPENDALES was created, it became a cultural
25 phenomenon which quickly led to the opening of another club in New York City,
26 followed by clubs in Dallas and Denver, and touring troupes performing in the U.S.
27 and overseas. The revue's popularity also spawned a vast array of licensed
28



1 merchandise such as wildly popular annual calendars and apparel.

2 15. Today the CHIPPENDALES burlesque show continues to entertain
3 sold-out audiences from its flagship location at the CHIPPENDALES Theatre inside
4 the Rio Hotel & Casino in Las Vegas, as well as at U.S. and international venues
5 visited by its touring productions. Annually, CHIPPENDALES productions are
6 seen by over two million people worldwide.

7 16. Plaintiff brought the CHIPPENDALES to Las Vegas in 2002, where it
8 has delighted audiences for more than 20 years. The Las Vegas CHIPPENDALES
9 production has featured guest hosts such as international supermodel Tyson
10 Beckford, actors Ian Ziering and Joey Lawrence, and Dancing with the Stars and
11 America's Next Top Model champion, Nyle DiMarco. The show has continuously
12 won Las Vegas Review Journal's annual awards for "Best Male Review" and "Best
13 Bachelorette Party."

14 17. Plaintiff is the third owner of the CHIPPENDALES business and
15 brand, which it acquired in 2000.

16 18. Since Plaintiff acquired the CHIPPENDALES business over 20 years
17 ago, it has expanded the CHIPPENDALES brand beyond its signature show to
18 include a vast array of branded goods, including apparel and accessories, exercise
19 programs, online streaming events, gifts, slot machines and video games, and adult
20 products.

21 19. Plaintiff offers its CHIPPENDALE-branded products at its
22 CHIPPENDALE Boutique in Las Vegas, at venues worldwide where its touring
23 productions perform, and on its website at *Chippendales.com*, an online lifestyle and
24 entertainment destination for women.

25 **II. Plaintiff's Famous CHIPPENDALES Trademarks**


26 20. Through its and its predecessors in interest's extensive use of the
27 CHIPPENDALES mark and CHIPPENDALES design marks over the last 45 years
28



for a wide range of products and services, Plaintiff has developed extensive common law rights in the marks. In addition, Plaintiff owns numerous federal registrations on the Principal Register of the United States Patent and Trademark Office and foreign trademark registrations for the CHIPPENDALES mark and CHIPPENDALES design marks (Plaintiff's common law and registered marks are collectively referred to herein as the "CHIPPENDALES Trademarks"). Plaintiff's U.S. registrations are identified below.

Trademark	Reg. No./ Reg. Date	Goods/Services	Date of First Use	Origin
CHIPPENDALES *Registration has become incontestable pursuant to 15 U.S.C. § 1065	1197438 6/8/82	41: Entertainment services, namely, male dance exhibitions.	12/1/78	Assigned to Plaintiff as part of 2000 Asset Purchase Agreement
CHIPPENDALES *Registration has become incontestable pursuant to 15 U.S.C. § 1065	1330855 4/16/85	16: Calenders, playing cards, posters.	7/3/81	Assigned to Plaintiff as part of 2000 Asset Purchase Agreement
CHIPPENDALES *Registration has become incontestable pursuant to 15 U.S.C. § 1065	2802430 1/6/04	9: Series of DVDs featuring music and male nightclub entertainers.	1987	Application filed by Plaintiff
CHIPPENDALES *Registration has become incontestable pursuant to 15 U.S.C. § 1065	3127649 8/8/06	16: Party supplies, namely, paper napkins; pin-ups, namely, flat, cardboard poster-like cutouts of men with adjustable hands, arms, and legs. 25: Clothing, namely headwear, hats, tank tops, t-shirts, long sleeve t-shirts, sweatshirts, shorts, nightshirts and undergarments. 41: Entertainment services, namely, live theatrical and musical floor shows provided at night clubs and theaters.	16: 7/31/10 26: 2/7/00 41: 7/3/81 45: 2/19/06	Application filed by Plaintiff



		45: Providing online greeting cards via the internet.		
CHIPPENDALES *Registration has become incontestable pursuant to 15 U.S.C. § 1065	3690717 9/29/09	43: Waiter services for serving drink; bar services.	2/1/05	Application filed by Plaintiff
CHIPPENDALES *Registration has become incontestable pursuant to 15 U.S.C. § 1065	3981590 6/21/11	10: Electric massage applicants, namely, electric vibrating massager.	10/1/10	Application filed by Plaintiff
CHIPPENDALES & Bow Tie Design  CHIPPENDALES	5203733 5/16/17	10: Electric massage appliances, namely, electric vibrating massager. 16: Calendars and paper goods, namely, pin-ups, namely, flat, cardboard, poster-like cutouts of men with adjustable hands, arms and legs. 21: Barware, namely, shotglasses. 25: Clothing, namely, headwear, hats, tank tops; t-shirts, long sleeve t-shirts, sweatshirts, shorts, nightshirts and undergarments. 41: Entertainment services, namely, live theatrical and musical floor shows provided at night clubs and theaters.	10: 10/15 16: 10/15 25: 10/15 41: 9/15	Application filed by Plaintiff

21. These registrations for the CHIPPENDALES Trademarks are in full force and effect. Copies of the USPTO status and title records of these registrations and copies of their registration certificates are attached as **Exhibit 1**.

22. Plaintiff's Reg. No. 5203733, for its CHIPPENDALES & Bow Tie Design mark, constitutes *prima facie* evidence of Plaintiff's ownership of the mark and exclusive rights to use the mark in connection with the goods and services recited in the registration.



23. Moreover, all of Plaintiff's other U.S. registrations for its CHIPPENDALES Trademarks have become incontestable under 15 U.S.C. § 1065, and therefore constitute conclusive evidence of Plaintiff's ownership of and exclusive rights to use the CHIPPENDALES Trademarks in connection with the goods and services recited in those registrations, namely, Reg. Nos. 1197438; 1330855; 2802430; 3127649; 3690717; and 3981590.

24. The CHIPPENDALES Trademarks are distinctive, arbitrary, and fanciful, and are entitled to the broadest scope of protection.

25. For the last 45 years, Plaintiff and its predecessors in interest have invested enormous amounts of time, money, and effort advertising and promoting the products and services sold under the CHIPPENDALES Trademarks throughout the United States and around the world.

26. Through the vast promotion and investment in the CHIPPENDALES brand – combined with extensive publicity and sales – Plaintiff has acquired enormous goodwill in its CHIPPENDALES Trademarks. The CHIPPENDALES Trademarks have become famous within the meaning of the Lanham Act, enjoy strong consumer recognition, and are recognized around the world and throughout the United States by consumers as signifying world class entertainment productions, and high-quality goods.

III. Timeline of CHIPPENDALES Ownership

a. Founder & First Owners

27. Mr. Somen Banerjee ("Steve") founded CHIPPENDALES in 1979.

28. Upon information and belief, Steve owned and operated the CHIPPENDALES business through Easebe Enterprises Inc. (dba Chippendales) (Easebe), which, according to records of the California Secretary of State, was incorporated in August 1975.

29. Easebe owned the rights to the name and trademark CHIPPENDALES.



1 30. According to USPTO records, between 1981 and 1988, Easebe filed
2 multiple U.S. trademark applications to register the marks CHIPPENDALES and
3 CHIPPENDALES with a stylized design for various goods and services. Those
4 applications later obtained trademark registrations, including Reg. Nos. 1197438;
5 1211893; 1330855; and 1504520.

6 31. In September 1993, Steve was arrested for multiple criminal acts and
7 incarcerated.

8 32. According to evidence and testimony presented in prior court
9 proceedings involving Steve and his wife Irene Banerjee (“Irene”), at the time of
10 Steve’s arrest he was the President and sole shareholder of Easebe.

11 33. That evidence and testimony also disclosed that Steve transferred all of
12 his shares in Easebe to Irene in 1994, which ultimately was reflected in a stipulated
13 Judgment of Divorce entered by the Honorable Hugh E. MacBeth of the Los
14 Angeles Superior Court on August 17, 1994, which divided their marital property
15 and provided for family support. A copy of that Judgment, signed by both Steve
16 and Irene, is attached as **Exhibit 2**.

17 34. On October 23, 1994, Steve died while incarcerated in Los Angeles.

18 **b. Easebe Enterprises Inc. Sells CHIPPENDALES Business and**
19 **CHIPPENDALES Trademarks to CLP Tour, Ltd. (1994)**

20 35. In November 1994, Irene, as Easebe’s sole officer, director, and
21 shareholder, sold all of Easebe’s assets relating to the CHIPPENDALES business to
22 CLP Tour, Ltd. (“CLP”), including the CHIPPENDALE Trademarks and the
23 goodwill symbolized by the marks.

24 36. According to online records of the U.S. Patent and Trademark Office,
25 on November 4, 1994, trademark assignments effectuating the transfer of U.S.
26 Trademark Reg. Nos. 1197438, 1211893, 1330855, and 1504520 from Easebe to
27 CLP were recorded with the USPTO on January 26, 1995. True and correct copies
28



1 of printouts from the USPTO website showing the records for those assignments are
2 attached as **Exhibit 3**.

3 37. CLP continued to operate the CHIPPENDALES business under the
4 CHIPPENDALES Trademarks, and licensed others to use the marks, until it sold the
5 business to Plaintiff in 2000.

6 38. Irene passed away in 2001, and according to California Secretary of
7 State records, Easebe was suspended by that office in 2006 and suspended by the
8 California Franchise Tax Board in 2007.

9 **c. Plaintiff Chippendales USA, Inc.'s Valid Purchase of the**
10 **CHIPPENDALES Business and CHIPPENDALES**
11 **Trademarks**

12 39. On March 30, 2000, through an Asset Purchase Agreement, Plaintiff
13 acquired from CLP the entire CHIPPENDALES business, along with the famous
14 CHIPPENDALES Trademarks and the underlying goodwill represented by the
15 marks. Plaintiff obtained all of the common law rights in the CHIPPENDALE
16 Trademarks, as well as the following U.S. registrations and applications: Reg. Nos.
17 1,197,438; 1,211,893; and 1,330,855; Ser. Nos. 75/087,380 75/087,377; 75/087,376;
18 and 75/087,375.

19 40. Through that Asset Purchase Agreement, Plaintiff also acquired the
20 domain names *Chippendales.com*; *Chippendales.org*; *Chippendale.net*; and
21 *Chippendale.org*.

22 41. The trademark assignment transferring ownership of the above-
23 referenced registrations and applications from CLP to Plaintiff, dated March 30,
24 2000, was recorded with the U.S. Patent and Trademark Office on July 7, 2000. A
25 copy of that assignment is attached as **Exhibit 4**.

26 42. Since Plaintiff acquired the CHIPPENDALES business in 2000, it has
27 continuously used the CHIPPENDALES Trademarks in U.S. commerce to offer a
28



1 variety of goods and services and has obtained numerous U.S. and foreign
2 registrations for its CHIPPENDALES Trademarks.

3 43. Since 2000, Plaintiff has been the sole and exclusive user of the mark
4 CHIPPENDALES and CHIPPENDALES-formative marks in the United States.
5 Therefore, separate from the common law and registered rights in the
6 CHIPPENDALES Trademarks it acquired as a bona fide purchaser for value in
7 2000, Plaintiff is the rightful owner of the CHIPPENDALES Trademarks through
8 the nationwide common law rights it has established in the marks through its
9 continuous and exclusive use of the marks from 2000 through present.

10 **IV. Defendant's Litigation Filings, Unauthorized USPTO Filings, &**
11 **Infringement of the CHIPPENDALES Trademarks**

12 44. Defendant has no rights in any CHIPPENDALES mark.

13 45. Defendant has no rights in the entity Easebe Enterprises, Inc. (Easebe),
14 which was originally owned by Steve, later owned by Irene, and since 2006 has been
15 suspended by the California Franchise Tax Board such that it has no corporate
16 powers and cannot transact business in California.

17 46. However, Defendant has claimed in another tribunal (Los Angeles
18 County Superior Court) and before the U.S. Patent and Trademark Office, as well as
19 in books he has published, and in various online channels, that he is the eldest son of
20 Mr. Somen Banerjee (Steve) and that he was "swindled" of his rightful inheritance
21 upon Steve's death because the "CHIPPENDALES trademark"¹ was "fraudulently
22 sold" and "fraudulently transferred" out of Steve's estate.

23 47. As detailed below, Defendant has asked the Los Angeles Superior Court
24

25 ¹ Although Defendant has alleged in probate filings and USPTO filings that the
26 November 1994 sale of the singular "Chippendales trademark" was fraudulent, at
27 that time the CHIPPENDALES business used and owned common law rights in the
28 word mark CHIPPENDALES, as well as a stylized CHIPPENDALES logo with
design, for a variety of goods and services, as well as owned four U.S. trademark
registrations, Reg. Nos. 1197438, 1211893, 1330855, and 1504520.



1 and the USPTO to hold that the “CHIPPENDALES trademark”² is owned by Easebe
2 Enterprises, Inc.³ and/or Steve’s estate.

3 48. In addition, Defendant is, without authorization, offering products and
4 services under Plaintiff’s CHIPPENDALES Trademarks, including at his website
5 located at *chippendalestruecrime.com*.

6 **a. Defendant’s first attempted interference with Plaintiff’s**
7 **trademark registrations at the USPTO (2016)**

8 49. On September 26, 2016, Defendant filed a petition with the U.S. Patent
9 and Trademark Office titled “Illegal Trademark Ownership Transfer,” alleging that an
10 illegal ownership transfer occurred with respect to U.S. Reg. No. 1330855 for the
11 mark CHIPPENDALES in Class 16.

12 50. Among other things, Defendant’s petition alleged that Irene
13 “fraudulently made herself CEO of Easebe Enterprises, Inc. and sold Chippendale
14 trademark three weeks after my father’s death, he was the sole proprietor of EASEBE
15 ENTERPRISES, INC.”

16 51. In December 2016, the U.S. Patent and Trademark Office issued a
17 response to Defendant’s petition, advising that it could not review Defendant’s

18 ² Although Plaintiff has asked the Los Angeles Superior Court and USPTO to
19 hold that the singular “Chippendales trademark” owned by Plaintiff is actually
20 owned by Easebe and/or Steve’s estate, Plaintiff owns common law and registered
21 rights in the word mark CHIPPENDALES and other CHIPPENDALES-formative
22 design marks, as well as the CHIPPENDALES & Bow Tie Design mark, and owns
23 seven U.S. trademark registrations for those marks, as well as numerous foreign
registrations.

24 ³ It is unclear whether Defendant’s references to “Easebe Enterprises, Inc.” in
25 his filings with the U.S. Patent and Trademark Office and Los Angeles Superior
26 Court mean the California corporation that Somen Banerjee incorporated in 1975,
27 which ultimately was suspended by the California Franchise Tax Board in 2006
28 (referred to throughout the complaint as “Easebe”), or the California corporation
with the identical name that Defendant personally incorporated in January 2017,
which was suspended by the California Franchise Tax Board in December 2018
(referred to here as “Easebe 2”).



1 allegations because allegations of fraud and illegal ownership transfer are beyond the
2 scope of authority of the trademark examination.

3 **b. Defendant's Probate Action Seeking to Obtain Ownership of**
4 **the "Chippendales Trademark" (2017)**

5 52. On March 24, 2017, Defendant filed a petition for probate with the Los
6 Angeles County Superior Court, requesting authorization to open probate over
7 Steve's estate. That proceeding is known as *In re: Banerjee, Somen* (Case No.
8 17STPB02593).

9 53. In the probate proceeding, Defendant has alleged that he is Steve's son
10 from a relationship Steve had prior to his marriage to Irene.

11 54. In documents she has filed in the probate proceeding, Steve's daughter,
12 Lindsay Banerjee ("Lindsay"), has disputed that Defendant is Steve's son.

13 55. Lindsay has also represented to the probate court that Steve executed
14 both a will and a trust in September 1991, and provided copies of those alleged
15 documents.

16 56. Steve's estate planning documents named his wife Irene as his executrix,
17 and as a beneficiary of the trust and named successor trustee.

18 57. Further, Steve's estate planning documents asserted that he had only two
19 children, his daughter Lindsay and son Christian, with an express representation that
20 he has "had no other children."

21 58. Both Lindsay and Christian are named in Steve's estate planning
22 documents as remainder beneficiaries.

23 59. Defendant is not referenced in Steve's estate planning documents.

24 60. Defendant has alleged in various of his filings in the probate action that
25 named and unnamed persons have illegally withheld inheritance he is "owed" from
26 Steve's estate.

27 61. For example, in a status report Defendant filed on March 30, 2023, in
28



1 response to the question “is there any pending litigation involving the estate,”
 2 Defendant selected “yes” and wrote: “*Petitioner’s stepmother’s sister Helen*
 3 *Maryman, sister Lindsay Banerjee and brother Christian Banerjee who stole funds*
 4 *from the estate. And provided no inheritance to Jesse Banerjee. No full accounting*
 5 *of the estate was made” and “Jesse Banerjee was not provided his inheritance or his*
 6 *royalties from his father’s lucrative trademark”* (emphasis added).

7 **c. Defendant’s Books Claiming Ownership to the**
 8 **CHIPPENDALES Trademarks (December 2021 and June**
 9 **2022)**

10 62. In December 2021, Defendant self-published a book titled “Bowtie
 11 Legacy,” detailing his claims that he was “swindled” out of his “rightful inheritance”
 12 (i.e., the CHIPPENDALES Trademarks and royalties) because Easebe’s 1994 sale to
 13 CLP of the CHIPPENDALES assets and Trademarks was allegedly “fraudulent” and
 14 invalid, and therefore Plaintiff’s purchase of the CHIPPENDALES assets and
 15 Trademarks in 2000 was also fraudulent and invalid.

16 63. In June 2022, Defendant self-published a book titled “Chippendales True
 17 Crime Story,” with the identical content as “Bowtie Legacy” and thus the same
 18 allegations, just packaged under a different name and front cover.

19 64. In Defendant’s books, he asserts that being named administrator of
 20 Steve’s estate meant that he would own or control all the CHIPPENDALES assets,
 21 intellectual property, and goodwill: “*The court had finally declared me the*
 22 *administrator of the Banerjee estate twenty-six years after [Steve’s] death. Now*
 23 *Easebe, Inc., the corporation that owns all Chippendales properties, including but*
 24 *not limited to, the dance troupe, television and movie rights, and merchandising was*
 25 *back in the hands of a Banerjee.”*

26 **d. Defendant’s continued interference with Plaintiff’s**
 27 **CHIPPENDALES trademark registrations (Late 2022 & Early**
 28



2023)

65. In late 2022 and early 2023, Defendant continued to interfere with Plaintiff's registered CHIPPENDALES Trademarks by making several unauthorized filings regarding Plaintiff's U.S. Trademark Registration Nos. 1197438, 1330855, 2802430, 3127649, 3690717, 3981590, and 5203733. Defendant listed "Easebe Enterprises Inc." as the owner in his filings, and signed the forms as "Estate Administrator," listing his personal mailing and email addresses.

66. For example, on October 28, 2022, Defendant filed with the USPTO's Assignment Recordation Branch a signed "declaration" alleging that the November 1994 assignment of the CHIPPENDALES business and trademarks from Easebe to CLP (recorded with the USPTO) was invalid because Irene "fraudulently misrepresented herself as the President of Easebe" when she "did not have actual authority to make legally binding decisions for Easebe or its properties at the time." Defendant requested that the USPTO "record a corrective assignment" to identify Easebe as the owner of the pertinent trademark registrations.

67. On November 22, 2022, and again on December 28, 2022, Defendant filed that same "declaration" alleging that the November 1994 trademark assignment from Easebe to CLP was fraudulent and requesting that the USPTO "record a corrective assignment" identifying Easebe as the owner of the trademark registrations.

68. On December 28, 2022, Defendant attempted to file a purported specimen of use for Plaintiff's U.S. Reg. No. 1197438 for the mark CHIPPENDALES in Class 41 (for entertainment services, namely, male dance exhibitions) and stated in the form: "*Chippendales male review, by the creator's first son. A new generation of entertainment. Fashion shows, country events, fair shows, and brand Ambassadors. The attached specimen was in use in commerce on or before the filing date of this request.*" In the field for "explanation of filing,"



1 Defendant stated: “*Hello, have been approved a change by erroneous recording done*
2 *manually and like to change title too please.*”

3 69. On December 28, 2022, January 6, 2023, and February 28, 2023,
4 Defendant filed multiple requests to update ownership information for Plaintiff’s
5 registered CHIPPENDALES and CHIPPENDALES & Design trademarks, Reg. Nos.
6 1197438; 2802430; 3127649; 3690717; 3981590; and 5203733, trying to change the
7 owner from Plaintiff Chippendales USA, LLC to “Easebe Enterprises Inc.,” again
8 listing his personal mailing and email addresses for the owner’s contact information.

9 70. Of the six registered CHIPPENDALES Trademarks that Defendant tried
10 to put in Easebe’s name, only one – Reg. No. 1197438 - was in existence in 1994
11 when Easebe sold the CHIPPENDALES business, its trademarks, and associated
12 goodwill to CLP.

13 71. Therefore, even assuming, *arguendo*, that Defendant made his
14 unauthorized filings with the USPTO regarding Plaintiff’s CHIPPENDALES
15 Trademarks in a misguided attempt to administer Steve’s estate, Defendant has
16 absolutely no legitimate reason for trying to change the ownership of the five later-
17 registered CHIPPENDALES Trademarks to Easebe.

18 72. Defendant’s unauthorized filings caused the U.S. Patent and Trademark
19 Office to change many of the records for Plaintiff’s CHIPPENDALES registrations to
20 inaccurately identify Easebe as the owner, causing Plaintiff significant concern as
21 Defendant was somehow able to bypass the USPTO’s mandatory identity verification
22 safeguards to file the unauthorized documents and cast a cloud over Plaintiff’s
23 interests in its famous CHIPPENDALES Trademarks.

24 73. Plaintiff had to file requests with the USPTO for several of its
25 registrations to get the ownership records corrected.

26 e. **Defendant Initiates an Independent Civil Action Against**
27 **Plaintiff through a Petition Filed in the Probate Action (April**
28



2023)

74. Most recently, on April 3, 2023, Defendant filed in the probate action a petition titled, **“Petition For: An Order Confirming USPTO Decision [sic] On Chippendales Trademark and All Series Pertaining [sic] to Chippendales As Forming Part of the Estate of Somen Banerjee; Requesting \$859 Double Damages Against Chippendales USA LLC”**⁴ (Defendant’s “§ 850 Petition”).

75. The Petition was filed pursuant to Cal. Probate Code §§ 850(a)(3)(B) and 859.⁵ Cal. Probate Code § 850(a)(3)(B) allows a trustee or any interested person to seek a court order declaring the trustee’s interest in “real or personal property, title to or possession of which is held by another.” Cal. Probate Code § 859 allows for recovery of “twice the value of the property recovered” in addition to any other remedies, if a court finds a person wrongfully took, concealed, or disposed of property belonging to the estate of a decedent.

76. Defendant’s § 850 Petition alleges that the CHIPPENDALES trademark⁶ was an asset of decedent Somen Banerjee that, in 1994 was worth \$50 million dollars, and that same year was “fraudulently sold” by Irene to CLP for \$1 million dollars.

77. Defendant’s § 850 Petition also alleges that when Plaintiff purchased the CHIPPENDALES trademark it was a “fraudulent purchase” and Plaintiff “did not buy it as any legitimate business.”

78. Further, Defendant’s § 850 Petition alleges that “the United State [sic] Patent and Trademark Office did give a decision to the effect that the sale and

⁵ The document’s footer identifies the filing as “Petition to Confirm Assets of the Estate [Probate Code § 850; 859].”

⁶ Again, although Defendant alleges that the “Chippendales trademark” was fraudulently sold in November 1994, at that time the CHIPPENDALES business owned common law and registered rights in the word mark CHIPPENDALES as well as a stylized CHIPPENDALES logo with design, for a variety of goods and services, and owned four U.S. trademark registrations for those two marks, Reg. Nos. 1197438, 1211893, 1330855, and 1504520.



1 purchase of Chippendales trademark from Irene Banerjee by CLP TOUR was
2 fraudulent and thereby set aside the said sale of the Chippendales trademark.
3 Therefore voiding any sale or transaction after Somen Banerjee [sic] death,” and
4 attaches a USPTO “notice of recordation of assignment document” for documents
5 Plaintiff filed with the USPTO Assignment Recordation Branch on November 1,
6 2022, regarding Chippendales’ registered CHIPPENDALES trademarks.

7 79. Contrary to Plaintiff’s allegations, the document that he mischaracterizes
8 as a “decision” by the United States Patent and Trademark Office is merely a filing
9 receipt for the unauthorized filing he made with the USPTO’s Assignment
10 Recordation Branch on October 28, 2022, attempting to change ownership of
11 Plaintiff’s U.S. Reg. No. 1197438 (for the mark CHIPPENDALES in Class 41 for
12 “entertainment services, namely, male dance exhibitions) from Plaintiff to Easebe
13 Enterprises, Inc. This filing receipt does not constitute any decision by the USPTO
14 regarding the validity of a trademark assignment or the effect such a document has on
15 the title to a registration.

16 80. The USPTO’s recording of document filed with the Assignment
17 Recordation Branch is solely a ministerial act, and that Branch does not examine the
18 substance of documents submitted for recording for the purpose of determining
19 validity.

20 81. Defendant’s § 850 Petition seeks an order: a) “upholding the decision of
21 the USPTO holding that the sale of the CHIPPENDALES trademark was fraudulent”;
22 b) finding that the CHIPPENDALES trademark currently owned by Plaintiff is part
23 of Mr. Somen Banerjee’s estate; c) transferring the CHIPPENDALES trademark
24 owned by Plaintiff to Mr. Somen Banerjee’s estate, as administered by Defendant;
25 and d) restraining Plaintiff from using the CHIPPENDALES trademark.

26 82. Regarding California Probate Code § 859, Defendant – puzzlingly –
27 seeks a monetary penalty against Chippendales of “twice the value of the property
28



1 recovered” – not for any alleged wrongful taking, concealment, or disposal of estate
2 property by Plaintiff, but for Helen Maryman’s alleged bad faith misappropriation of
3 property from Steve’s estate.


4 83. Plaintiff has no relationship or association with Ms. Maryman.

5 84. Defendant’s § 850 Petition is, obviously, adversarial in nature and
6 qualifies as a “civil action” properly removable within the meaning of 28 U.S.C. §
7 1441(b). Plaintiff will be removing Defendant’s § 850 Petition to this Court based
8 upon diversity of citizenship.

9 **f. Defendant’s Infringement of the CHIPPENDALES**
10 **Trademarks**

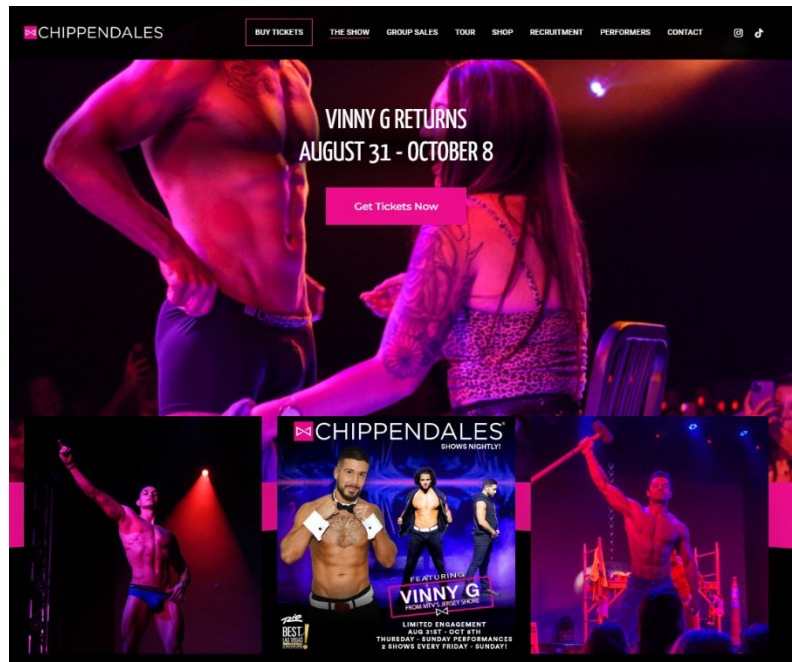
11 85. In addition to Defendant’s ongoing interference with Plaintiff’s
12 legitimately purchased and use-acquired trademark rights, Defendant is offering for
13 sale and selling various products and services making unauthorized uses of the
14 CHIPPENDALES Trademarks.

15 86. Upon information and belief, sometime during July 2022, Defendant
16 launched a website at *chippendalestruecrime.com*.

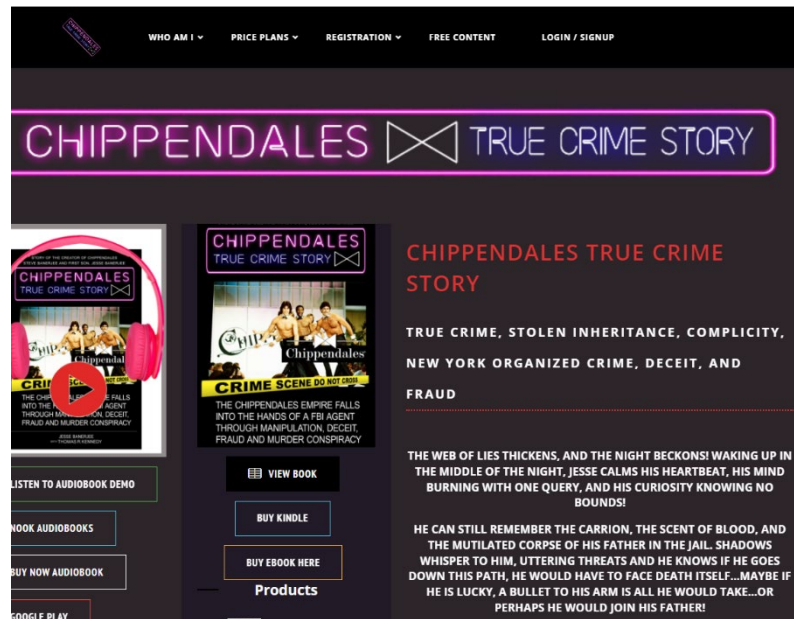
17 87. The top of Defendant’s website prominently displays the
18 CHIPPENDALES mark as well as an unauthorized use of Plaintiff’s
19 CHIPPENDALES & Bow Tie Design mark.  Moreover,
20 Defendant’s website has even copied the color scheme, layout, and design features of
21 Plaintiff’s website:
22
23
24
25
26
27
28



Plaintiff's website, <https://chippendales.com>





Defendant's website, <https://chippendalestruecrime.com/>



88. Further, Defendant's website at *chippendalestruecrime.com* offers and sells apparel, mobile phone cases, and mugs bearing the mark CHIPPENDALES TRUE CRIME STORY and a bow tie design that infringes of Plaintiff's

CHIPPENDALES & Bow Tie Design mark. Just as Defendant's website copied Plaintiff's website, Defendant's merchandise copies the color scheme, layout, and design features of Plaintiff's authentic CHIPPENDALES merchandise:

Plaintiff's Authentic CHIPPENDALES Merchandise	Defendant's Infringing Merchandise
 <p>https://boutique.chippendales.com/chippendales-long-sleeve-tee/</p>	 <p>https://chippendalestruecrime.com/product/unisex-long-sleeve-tee/</p>
 <p>https://boutique.chippendales.com/black-logo-v-neck/</p>	 <p>https://chippendalestruecrime.com/product/mens-premium-heavyweight-tee/</p>





<https://boutique.chippendales.com/chippendales-baseball-cap/>



<https://chippendalestruecrime.com/product/dad-hat/>



<https://boutique.chippendales.com/stack-hoodie/>



<https://chippendalestruecrime.com/product/chippendales-true-crime-mens-premium-heavyweight-tee/>



<https://boutique.chippendales.com/chippendales-tall-coffee-mug/>



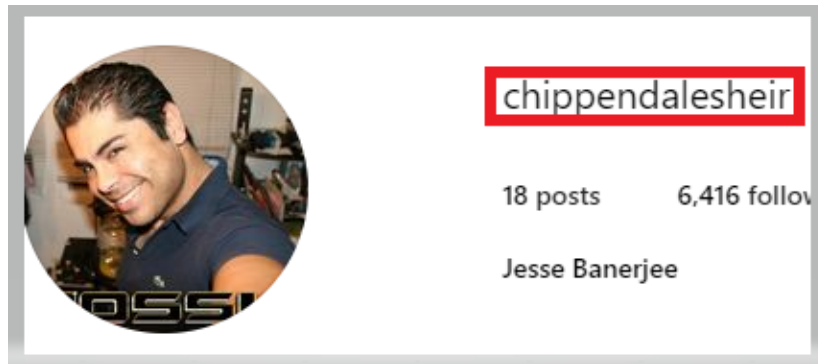
<https://chippendalestruecrime.com/product/black-glossy-mug/>

89. Further, Defendant advertises, promotes, and offers for sale services in nightclub promotion, production of live shows for women, nightclub photography, and creative marketing under various CHIPPENDALES-formative marks that misrepresent his association with Plaintiff's CHIPPENDALES brand in ways that are

likely to cause confusion among consumers as to the source of the infringing services, and are likely to cause the public to falsely associate Defendant with Plaintiff and its authentic CHIPPENDALES goods and services.

90. For example, Defendant advertises himself and his services using the mark **CHIPPENDALES HEIR** on multiple social media platforms and commercial websites:

Instagram @chippendalesheir



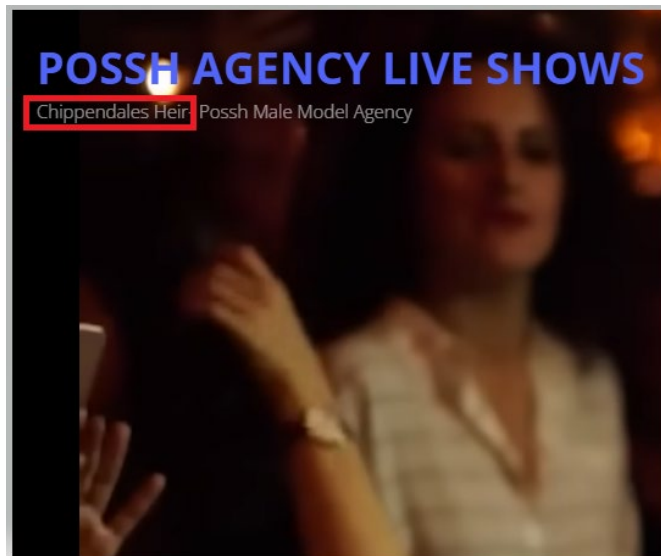
Twitter @jessebanerjee
“Jesse Banerjee Chippendales first son & Estate Adm”



Instagram @chippendalestruecrime



<https://possh.net/>, Posh Agency Live Shows



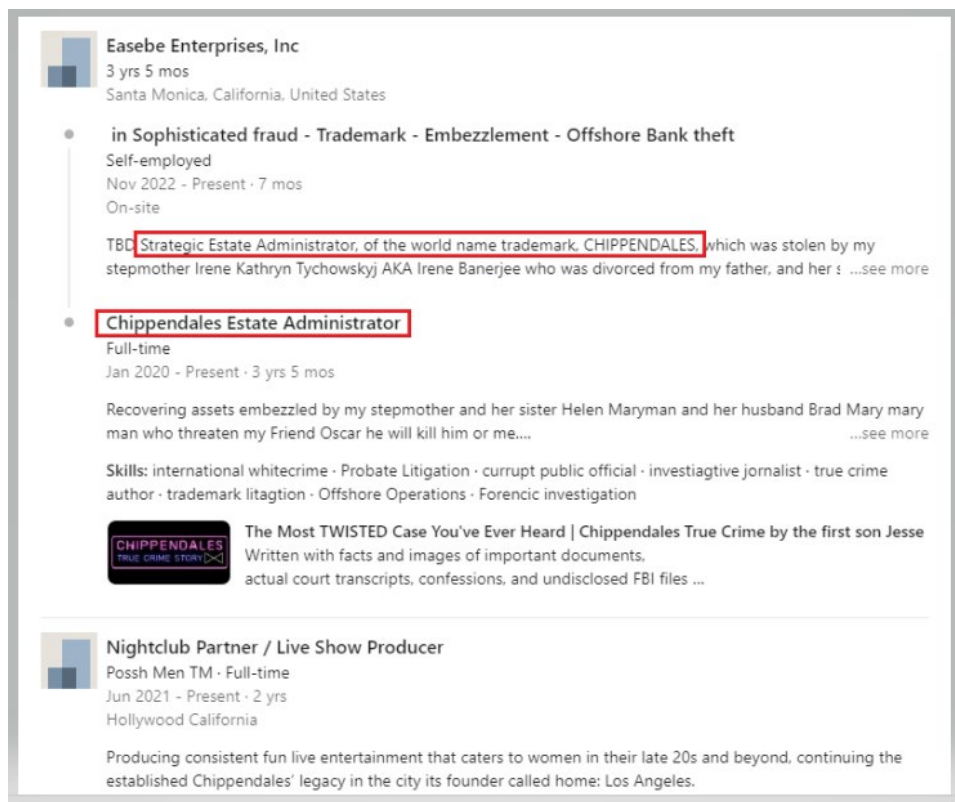
Further, Defendant regularly posts photos depicting nightlife to social media that are branded with an infringing **CHIPPENDALES HEIR** logo to promote his entertainment services:

<https://www.linkedin.com/posts/jesse-banerjee-way-to-much-fun-now-its-all-family-n-work-activity-7052912852105379840-Ueh7/?utm>



92. Defendant also advertises himself and his services under other infringing marks, such as “**CHIPPENDALES ESTATE ADMINISTRATOR**,” and “**CHIPPENDALES AUTHORITY**,” and even misrepresents himself as the “**CHIPPENDALES CHIEF LEGAL STRATEGIST**” and the “**Strategic Administrator of the world name trademark, CHIPPENDALES.**”

<https://www.linkedin.com/in/jesse-banerjee/>



93. In addition, on April 24, 2023, Defendant filed articles of organization with the California Secretary of State to establish a limited liability company named “Chippendales LLC.”

CLAIMS FOR RELIEF

COUNT I

Declaratory Judgment as to Plaintiff’s Ownership Rights in the CHIPPENDALES Trademarks

94. Plaintiff repeats and incorporates by reference the allegations in the preceding paragraphs.

95. Defendant’s actions have created an actual, substantial, and immediate controversy between the parties concerning the ownership of and exclusive rights to use the CHIPPENDALES Trademarks, in that:

- a. Defendant has repeatedly alleged that the November 1994 sale by now-suspended Easebe of rights in the “CHIPPENDALES trademark”⁷ to CLP was “fraudulent,” the subsequent 2000 sale of those rights from CLP to Plaintiff was also “fraudulent,” and thus the trademark belongs to the estate of the late Steve Banerjee, and ultimately Defendant, as an alleged “heir” of the estate.
- b. Taking the position that the CHIPPENDALES Trademarks do not belong to Plaintiff, their record owner, but to himself and/or the estate of Steve Banerjee, Defendant has repeatedly attempted to change Plaintiff’s trademark registration records with the U.S. Patent and Trademark Office to remove Plaintiff as the owner and replace it with Easebe Enterprises Inc.
- c. Further, Defendant has apparently taken the position that the

⁷ See footnotes 1 & 4.



1 CHIPPENDALES Trademarks belong to himself and/or the
2 estate of Steve Banerjee such that he may use the Trademarks in
3 commerce, as Defendant is advertising and offering for sale
4 various products and services making unauthorized uses of the
5 CHIPPENDALES Trademarks, and Defendant has represented
6 to the U.S. Patent and Trademark Office that he is using a
7 CHIPPENDALES mark for entertainment services that are
8 identical to the services that Plaintiff and its predecessors-in-
9 interest have offered under the CHIPPENDALES Trademarks
10 for 45 years, namely, “male dance exhibitions.”

- 11 d. In addition, Defendant has recently established a California
12 limited liability company named “**Chippendales, LLC.**”
- 13 e. On the other hand, Plaintiff contends that the November 1994
14 sale from Easebe to CLP was not fraudulent because prior to his
15 death on October 23, 1994, Easebe’s sole shareholder, Steve
16 Banerjee, transferred all his interest in Easebe to his wife Irene,
17 and thus she had authority to act for Easebe and sell the
18 CHIPPENDALES assets and CHIPPENDALE trademarks to
19 CLP in November 1994. Therefore, the 2000 sale from CLP to
20 Plaintiff of the assets and CHIPPENDALE Trademarks was
21 valid and Plaintiff is the sole, rightful owner of the marks.
- 22 f. Moreover, separate from the common law and registered rights
23 in the CHIPPENDALES Trademarks that Plaintiff acquired in
24 2000 as a bona fide purchaser for value, Plaintiff is the rightful
25 owner of the CHIPPENDALES Trademarks through the
26 nationwide common law rights it has established in the marks
27 through its continuous and exclusive use of the marks from 2000
28



1 through present.

2 96. Plaintiff is entitled to a judicial determination and declaration of the
3 rights of the parties with respect to the CHIPPENDALES Trademarks, specifically, a
4 determination that on account of Plaintiff's status as a good faith purchaser for value
5 and/or on account of its preexisting, continuous, exclusive, decades-long use of the
6 CHIPPENDALES Trademarks, Plaintiff is the only rightful owner of the marks, and
7 that Defendant's unauthorized use of the marks constitutes trademark infringement,
8 trademark dilution, and unfair competition under federal, state, and common law.

9 **COUNT II**

10 **Federal Trademark Infringement**

11 **(15 U.S.C. § 1114)**

12 97. Plaintiff repeats and incorporates by reference the allegations in the
13 preceding paragraphs.

14 98. Plaintiff owns numerous federal registrations for its CHIPPENDALES
15 mark and CHIPPENDALES & Bow Tie Design mark, namely, U.S. Reg. Nos.
16 1197438; 1330855; 2802430; 3127649; 3690717; 3981590; and 5203733. Through
17 Plaintiff and Plaintiff's predecessors in interest, the CHIPPENDALES mark has been
18 used continuously since 1978.

19 99. The CHIPPENDALES Trademarks are valid and enforceable, and
20 certain of them have attained incontestable status.

21 100. In connection with the sale, offering for sale, distribution, or
22 advertising of goods and services, Defendant has used words and symbols that
23 infringe upon the CHIPPENDALES Trademarks. Defendant's conduct has caused,
24 and, unless enjoined by this Court, will continue to cause, a likelihood of confusion
25 and deception of members of the trade and public, and, additionally, injury to
26 Plaintiff's goodwill and reputation as symbolized by Plaintiff's CHIPPENDALES
27 Trademarks, for which Plaintiff has no adequate remedy at law.
28



101. Defendant's conduct demonstrates an intentional, willful, and malicious intent to trade on the goodwill associated with Plaintiff's CHIPPENDALES Trademarks to Plaintiff's great and irreparable harm.

102. These acts of trademark infringement have been committed deliberately and with the intent to cause confusion, mistake, or deception, and are in violation of 15 U.S.C. § 1114.

103. Defendant has caused and is likely to continue causing substantial injury to the public and to Plaintiff; therefore, Plaintiff is entitled to injunctive relief and to recover Defendant's profits, actual damages, enhanced profits and damages, costs, and reasonable attorneys' fees under 15 U.S.C. §§ 1114, 1116, and 1117.

COUNT III

Trademark Counterfeiting

(15 U.S.C. § 1114)

104. Plaintiff repeats and incorporates by reference the allegations in the preceding paragraphs.

105. Plaintiff owns the CHIPPENDALES Trademarks.

106. Without Plaintiff's authorization, Defendant has used in commerce spurious marks that are identical with, or substantially indistinguishable from, the CHIPPENDALES Trademarks, in connection with the same goods described in Plaintiff's federal registrations for those marks, namely, various types of apparel.

107. Defendant's unauthorized use of spurious marks that are identical with, or substantially indistinguishable from, the CHIPPENDALES Trademarks falsely represents Defendant's goods as emanating from or being authorized by Plaintiff, and places beyond Plaintiff's control the quality of goods offered and sold under the CHIPPENDALES Trademarks.

108. Defendant's unauthorized use of spurious marks that are identical with, or substantially indistinguishable from, the CHIPPENDALES Trademarks in



1 connection with the promotion, sale, and distribution of apparel is likely to cause
 2 confusion, mistake, or deception as to the source or sponsorship of Defendant's
 3 goods, and is likely to deceive the public into believing that Defendant's goods
 4 emanate from Plaintiff, are sponsored, endorsed, or approved by Plaintiff, are
 5 subject to Plaintiff's quality control measures, or are otherwise associated with
 6 Plaintiff.

7 109. Defendant's conduct has been intentional, reckless, and willful.

8 110. As a result of Defendant's unauthorized use of spurious marks that are
 9 identical with, or substantially indistinguishable from, the CHIPPENDALES
 10 Trademarks, Defendant has used counterfeit marks, as that term is defined in
 11 Section 34(d)(1)(B) of the Lanham Act, and Defendant is accordingly liable under
 12 the anti-counterfeiting provisions of the Lanham Act.

13 111. Defendant is likely to continue causing substantial injury to the public
 14 and to Plaintiff, which has no adequate remedy at law, and Plaintiff is entitled to
 15 injunctive relief, an accounting of profits, damages, costs, and reasonable attorneys'
 16 fees under 15 U.S.C. § 1114, 1116, and 1117. Additionally, pursuant to 15 U.S.C. §
 17 1117(b), Plaintiff is entitled to trebling of the greater of profits and damages, and to
 18 prejudgment interest. Alternatively, pursuant to 15 U.S.C. § 1117(c), Plaintiff is
 19 entitled to recover statutory damages for Defendant's use of counterfeit marks.

20 **COUNT IV**

21 **Federal Unfair Competition**

22 **(15 U.S.C. § 1125(a))**

23 112. Plaintiff repeats and incorporates by reference the allegations in the
 24 preceding paragraphs.

25 113. Defendant's use of marks that are confusingly similar to Plaintiff's
 26 CHIPPENDALES Trademarks has caused and is likely to cause confusion, deception,
 27 and mistake by creating the false and misleading impression that Defendant's goods
 28



1 are manufactured or distributed by Plaintiff, or Defendants' services are offered and
2 rendered by Plaintiff, or that Defendant's goods and services are affiliated, connected,
3 or associated with Plaintiff, or have Plaintiff's sponsorship, endorsement, or approval.

4 114. Defendant's conduct constitutes the use of symbols or devices tending
5 falsely to describe the infringing products and services, within the meaning of 15
6 U.S.C. § 1125(a). Defendant's conduct has caused, and unless enjoined by this
7 Court, will continue to cause, a likelihood of confusion and deception of members of
8 the trade and public, and, additionally, injury to Plaintiff's goodwill and reputation as
9 symbolized by its CHIPPENDALES Trademarks, for which Plaintiff has no adequate
10 remedy at law.

11 115. Defendant's actions demonstrate an intentional, willful, and malicious
12 intent to trade on the goodwill of Plaintiff's CHIPPENDALES Trademarks, to
13 Plaintiff's great and irreparable injury.

14 116. Defendant's conduct has caused, and is likely to continue causing,
15 substantial injury to the public and to Plaintiff. Plaintiff is therefore entitled to
16 injunctive relief and to recover Defendant's profits, actual damages, enhanced profits
17 and damages, costs, and reasonable attorneys' fees under 15 U.S.C. §§ 1125(a), 1116,
18 and 1117.

19 **COUNT V**

20 **Federal Trademark Dilution**

21 **(15 U.S.C. § 1125(c))**

22 117. Plaintiff repeats and incorporates by reference the allegations in the
23 preceding paragraphs.

24 118. For nearly 45 years, Plaintiff and its predecessors in interest have
25 exclusively and continuously promoted and used the CHIPPENDALES Trademarks
26 in the United States. The CHIPPENDALES Trademarks became famous and well-
27 known symbols of Plaintiff and its products and services among the general public
28



1 in the United States well before Defendant began advertising, promoting, offering
 2 for sale, distributing, or rendering goods and services under confusingly similar
 3 CHIPPENDALES marks.

4 119. Defendant is making use in commerce of confusingly similar imitations
 5 of Plaintiff's CHIPPENDALES Trademarks that dilute and are likely to dilute the
 6 distinctiveness of Plaintiff's famous CHIPPENDALES Trademarks by eroding the
 7 public's exclusive identification of those famous marks with Plaintiff, tarnishing and
 8 degrading the positive associations of those famous marks, and otherwise lessening
 9 the capacity of the CHIPPENDALES Trademarks to identify and distinguish
 10 Plaintiff's goods and services.

11 120. Defendant's actions demonstrate an intentional, willful, and malicious
 12 intent to trade on the goodwill associated with Plaintiff's CHIPPENDALES
 13 Trademarks or to cause dilution of the marks, to Plaintiff's great and irreparable
 14 injury.

15 121. Defendant has caused, and unless enjoined by this Court, will continue
 16 to cause irreparable injury to Plaintiff's goodwill and business reputation, and
 17 dilution of the distinctiveness and value of Plaintiff's famous CHIPPENDALES
 18 Trademarks in violation of 15 U.S.C. § 1125(c).

19 122. Plaintiff is therefore entitled to injunctive relief and to Defendant's
 20 profits, actual damages, enhanced profits and damages, costs, and reasonable
 21 attorneys' fees under 15 U.S.C. §§ 1125(c), 1116, and 1117.

22 **COUNT VI**

23 **California Trademark Dilution**

24 **(California Business & Professions Code § 14330)**

25 123. Plaintiff repeats and incorporates by reference the allegations in the
 26 preceding paragraphs.

27 124. Plaintiff's CHIPPENDALES Trademarks are strong and well
 28



1 recognized marks and thus entitled to protection as “distinctive marks” under the
2 California Anti-Dilution statute, California Business and Professions Code § 14330.

3 125. By, without limitation, advertising, promoting, offering for sale,
4 distributing, and rendering goods and services using CHIPPENDALES marks,
5 Defendant has caused, and unless enjoined by this Court, will continue to cause, a
6 likelihood of injury to Plaintiff’s business reputation and/or of dilution of the
7 distinctive quality of Plaintiff’s CHIPPENDALE Trademarks in violation of
8 California Business and Professions Code § 14330.

9 126. Defendant’s violation of California’s Anti-Dilution law has caused, and
10 unless enjoined by this Court, will continue to cause Plaintiff irreparable harm.
11 Therefore, in addition to monetary damages, Plaintiff is entitled to preliminary and
12 permanent injunctive relief.

13 **COUNT VII**

14 **California Unfair Business Practices**

15 **(California Business & Professions Code § 17200 *et seq.*)**

16 127. Plaintiff repeats and incorporates by reference the allegations in the
17 preceding paragraphs.

18 128. The above-described acts and practices by Defendant are likely to
19 mislead or deceive the general public, and therefore constitute fraudulent business
20 practices in violation of California Business and Professions Code § 17200 *et seq.*

21 129. Defendant’s unfair, unlawful, and fraudulent business practices
22 described above present a continuing threat and are meant to deceive members of
23 the public.

24 130. As a direct and proximate result of Defendant’s wrongful conduct,
25 Plaintiff has been injured in fact and has lost money and profits and has suffered
26 injury to its reputation and goodwill. Such harm will continue unless Defendant’s
27 acts are enjoined by the Court. Plaintiff has no adequate remedy at law, and
28



1 therefore is entitled to an injunction prohibiting Defendant from continuing the
2 practices described above.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff respectfully prays that the Court enter judgment in
5 its favor for each claim set forth above and award Plaintiff relief including, but not
6 limited to, the following:

- 7 1. An order declaring that the March 30, 2000, sale of the
8 CHIPPENDALES business, CHIPPENDALES Trademarks, and the associated
9 goodwill from CLP to Plaintiff is valid and binding;
 - 10 2. An order declaring that Plaintiff is the rightful and exclusive owner of
11 common law and registered rights in the CHIPPENDALES Trademarks, as acquired
12 through the March 30, 2000 agreement;
 - 13 3. An order declaring that Plaintiff is the rightful and exclusive owner of
14 common law and registered rights in the CHIPPENDALES Trademarks, as acquired
15 by its more than 20 years of exclusive and continuous use of the marks;
 - 16 4. An order declaring that Defendant Jesse Banerjee has no legitimate
17 interest in the CHIPPENDALES Trademarks or any marks or domain names
18 confusingly similar thereto;
 - 19 5. An order declaring that Easebe Enterprises, Inc., incorporated in
20 California by Somen Banerjee on August 29, 1975 (currently suspended by both the
21 California Secretary of State and the California Franchise Tax Board) has no
22 legitimate interest in the CHIPPENDALES Trademarks or any marks or domain
23 names confusingly similar thereto;
 - 24 6. An order declaring that Easebe Enterprises, Inc., incorporated in
25 California by Defendant on January 1, 2017 (currently suspended by the California
26 Franchise Tax Board) has no legitimate interest in the CHIPPENDALES
27 Trademarks or any marks or domain names confusingly similar thereto;
- 28



1 7. A permanent injunction prohibiting Defendant—whether under his
2 personal capacity using his own name, under any alleged role as administrator of
3 Mr. Somen Banerjee’s estate, acting on behalf of the any entity named Easebe
4 Enterprises, Inc., or in any other capacity—from filing any documents with the U.S.
5 Patent and Trademark Office for or related to Plaintiff’s CHIPPENDALES
6 Trademarks, or otherwise related to Plaintiff;

7 8. A permanent injunction prohibiting Defendant, and his agents,
8 employees, or persons acting in concert or participation with him from interfering in
9 any manner, in any jurisdiction, with Plaintiff’s ownership or use of its
10 CHIPPENDALES Trademarks;

11 9. An order that Defendant and his agents, employees, attorneys,
12 successors, assigns, affiliates, and joint venturers, and any person(s) in active
13 concert or participation with him, and/or any person(s) acting for, with, by, through
14 or under him, be enjoined and restrained at first during the pendency of this action
15 and thereafter permanently from:

- 16 a. Using, in connection with the advertising, promotion, offering
17 for sale, sale, distribution, and rendering of any good or service ,
18 any word, term, name, symbol, device, or combination that so
19 resembles Plaintiff’s CHIPPENDALES Trademarks as to be
20 likely to cause confusion, mistake, or deception, including,
21 without limitation, the marks, names, and phrases
22 CHIPPENDALES; CHIPPENDALES & Bow Tie Design (*see*
23 U.S. Reg. No. 5203733); CHIPPENDALES, LLC;
24 CHIPPENDALES TRUE CRIME STORY; CHIPPENDALES
25 HEIR; CHIPPENDALES ESTATE ADMINISTRATOR;
26 CHIPPENDALES AUTHORITY; CHIPPENDALES CHIEF
27 LEGAL STRATEGIST; and “Strategic Administrator of the
28



1 world name trademark, CHIPPENDALES”;

- 2 b. Using any word, term, name, symbol, device, or combination
3 that (i) causes or is likely to cause confusion, mistake, or
4 deception as to the affiliation or association of Defendant or its
5 products or services with Plaintiff, or as to the origin of
6 Defendant’s products or services, (ii) contains any false
7 designation of origin, false or misleading description or
8 representation of fact, (iii) contains any false or misleading
9 advertising, or (iv) causes likely dilution of any of the
10 CHIPPENDALES Trademarks, including, without limitation, the
11 marks, names, and phrases CHIPPENDALES;
12 CHIPPENDALES & Bow Tie Design (*see* U.S. Reg. No.
13 5203733); CHIPPENDALES, LLC; CHIPPENDALES TRUE
14 CRIME STORY; CHIPPENDALES HEIR; CHIPPENDALES
15 ESTATE ADMINISTRATOR; CHIPPENDALES
16 AUTHORITY; CHIPPENDALES CHIEF LEGAL
17 STRATEGIST; and “Strategic Administrator of the world name
18 trademark, CHIPPENDALES;
19 c. Further infringing Plaintiff’s rights in and to its
20 CHIPPENDALES Trademarks, or otherwise damaging
21 Plaintiff’s goodwill or business reputation;
22 d. Further diluting the famous CHIPPENDALES Trademarks; and
23 e. Otherwise competing unfairly with Plaintiff in any manner.

24 10. An order requiring Defendant to deliver up for impoundment and for
25 destruction, all apparel and other products, signs, advertising, promotional materials,
26 or other materials in Defendant’s possession, custody, or control that are found to
27
28



1 adopt, infringe, or dilute Plaintiff's CHIPPENDALES Trademarks or that otherwise
2 unfairly compete with Plaintiff and its products and services;

3 11. An order awarding Plaintiff its damages and lost profits, and
4 Defendant's profits, in an amount to be proven at trial;

5 12. An order that such damages and profits be trebled and awarded to
6 Plaintiff and that it be awarded its costs, attorneys' fees, and expenses in this suit
7 under 15 U.S.C. § 1117, as a result of Defendant's willful, intentional, and
8 deliberate acts in violation of the Lanham Act;

9 13. An order awarding Plaintiff prejudgment and post judgment interest;
10 and

11 14. An order awarding to Plaintiff all such other relief as the Court deems
12 just and proper.

13 **DEMAND FOR JURY TRIAL**

14 Plaintiff Chippendales USA, LLC demands that this action be tried to a jury.

15 Dated: May 12, 2023

16 Respectfully submitted,

17 KILPATRICK TOWNSEND & STOCKTON LLP

18 By: /s/ Evan Nadel

19 Evan S. Nadel

20 Rita Weeks

21 Marc A. Lieberstein

22 *Attorneys for Plaintiff*
23 *Chippendales USA, LLC*
24
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26
27
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